

Appl. No. 10/690,512  
Amdt. Dated: November 14, 2005  
Reply to Office Action of: June 14, 2005

### **REMARKS/ARGUMENTS**

#### **1) Summary of Prosecution**

Claims 1, 2, 4, 5, 7, 8, 10, and 12 to 15 are pending in the application. Claims 6 and 9 have been withdrawn from consideration. Claims 3 and 11 have been cancelled. New claims 14 and 15 have been added. Claims 1-5, 7, 8 and 10-13 are rejected.

#### **2) Informalities in Specification**

In the Office action, the phrase "functioning 56" is not understood. This phrase has been amended to read -- functioning of --.

#### **3) Claim Rejections 35 USC 102(b) (Claims 1, 5, 7, 10, and 13; and Claims 1-5, 7-8 and 10-13)**

##### **The Heijnis Reference**

The Office action explains that claims 1, 5, 7, 10 and 13 are rejected over United States Patent No. 3,353,754 to Heijnis. Applicant respectfully traverses this objection as follows.

Independent claim 1 has been amended to clarify that:

"the blade edge is located along the surface of an imaginary cylinder formed by the rotation of the cutting edge, so that the cutting edge of the rotating blade passes the cutting edge of the counter-knife in succession when the rotating blade is turned"

Independent claim 10 has been amended to clarify that:

"the counter-knife and rotatable blade come into cutting relation sequentially axially as the rotatable blade traces the cutting boundary"

The Heijnis reference does not disclose or suggest that the cutting edge of the rotating blade

Appl. No. 10/690,512  
Amdt. Dated: November 14, 2005  
Reply to Office Action of: June 14, 2005

passes the cutting edge of the counter-knife *in succession*; nor does the Heijnis reference disclose that the counter-knife and rotatable blade come into cutting relation *sequentially*. The blades in the apparatus of the Heijnis reference pass each other in their entirety at the same time (see, for example, FIGS. 1 and 2 of the Heijnis reference). Accordingly, the Heijnis reference does not disclose or suggest the apparatus of independent claims 1 and 10.

#### The Anderson Reference

The Office action also explains that claims 1-5, 7-8, and 10-13 are rejected over United States Patent No. 3,084,582 to Anderson. Applicant respectfully traverses this objection as follows.

The Anderson reference discloses two blades (19 and 20) that do not conform to each other (see, for example, FIGs. 7 and 8). In operation, Blades 19 and 20 overlap with each other (see FIGs. 1, 2, 3, 4, and 5) and do not conform to each other.

Accordingly, the Anderson reference does not anticipate either of claims 1 and 10.

\* \* \* \* \*

In view of the foregoing, neither the Heijnis reference nor the Anderson reference anticipate the apparatus of independent claims 1 and 10. Since all remaining claims that are objected to depend from claims 1 and 10, they are not anticipated by the either of the cited references.

#### 4) New Claims

New claims 14 and 15 have been added to provide the Applicant with a scope of protection commensurate with the disclosure.

Appl. No. 10/690,512  
Amdt. Dated: November 14, 2005  
Reply to Office Action of: June 14, 2005

5) Closing Remarks

In view of the above comments, the Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,  
McCARTHY TÉTRAULT LLP

By



Brian W. Gray (Reg. No. 30,017)  
Tel.: (416) 601-7532